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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,975	02/17/2004	James Alphonse Burkart		9093

7590 12/29/2006  
JAMES A. BURKART JR.  
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EXAMINER
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LAUX, JESSICA L

ART UNIT	PAPER NUMBER
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3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	12/29/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



**DETAILED ACTION**

***Election/Restrictions***

Claims 1, 17 and 18 are generic to the following disclosed patentably distinct species:

One of the following disclosed species must be elected:

Species I – the embodiment of figures 5-8

Species II – the embodiment of figures 9-12

Species III – the embodiment of figures 13-16

Species IV – the embodiment of figures 17-20

Species V – the embodiment of figures 21-22

Species VI – the embodiment of figures 23-24

Species VII – the embodiment of figures 25-26

Species VIII – the embodiment of figures 60-63.

A further species restriction is proper and one of the following disclosed species must be additionally elected:

Species X – the embodiment of figure 29

Species XI – the embodiment of figure 30

Species XII – the embodiment of figure 31.

A further species restriction is proper and one of the following disclosed species must be additionally elected:

Species XX – the embodiment of figure 32

Species XXI – the embodiment of figure 33

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Species XXII – the embodiment of figure 34

Species XXIII – the embodiment of figure 35.

A further species restriction is proper and one of the following disclosed species must be additionally elected:

Species XXX – the embodiment of figure 36

Species XXXI – the embodiment of figure 37

Species XXXII – the embodiment of figure 38.

The species are independent or distinct because they each require a different structural relationship/design or connection arrangement. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search or search query (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

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the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571-272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

JL  
12/18/2006

  
JEANETTE E. CHAPMAN  
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GROUP 3400